

EXHIBIT A

obtained after skip tracing was performed; and (d) providing counsel with weekly activity reports, and PDF's of the Consent to Sue Forms received for filing with the Court.

3. On October 25, 2013, Angeion received the Class Member list ("Class List"), from defense counsel containing 82,388 Class Members. The list included names and last known addresses for each Class Member.

4. The Class Members' mailing addresses were processed and updated utilizing the National Change of Address Database ("NCOA") maintained by the U.S. Postal Service. At the same time, the Class List was also "skip traced" for current addresses. Skip tracing is a process by which public databases can be cross-referenced based on a particular data point (such as name, social security number or telephone number) in an attempt to obtain the most up to date addresses for a particular individual.

5. On November 7, 2013, Angeion printed and mailed the Notice and Consent to Sue Forms via first class mail to all Class Members with an enclosed self-addressed stamped return envelope. The Notice advised Class Members that in order to join the lawsuit they were required to file a Consent to Sue Form, postmarked by December 23, 2013, or in the event the Consent Form is returned to Angeion via fax, it had to be received by December 23, 2013.

6. Angeion established a website, www.RubyTuesdayLawsuit.com to inform Class Members about the lawsuit. The site contains the Notice and Consent to Sue Forms in English and Spanish, which are available for downloading; important court documents; the phone number for Angeion, as well as the website address established by class counsel, www.RubyTuesday@FaruqiLaw.com, for class member inquiries.

7. Angeion set up and maintains a toll free telephone number 1-877-386-1776, which contains an IVR (interactive voice recording system), in which class members can listen

to recorded responses to Frequently Asked Questions ("FAQ's"). Live operators are also available to Class Members, in both English and Spanish, if they feel their question may not be adequately addressed by the FAQ's.

8. As of December 11, 2013, Angeion had received a total of 2,631 Consent to Sue Forms resulting in an opt-in rate of approximately 3.1%. In comparison, Angeion has received 11,389 notices returned as undeliverable, a rate of approximately 14%. In my experience, this is an unusually high number of undeliverables and probably reflects the fact that many Ruby Tuesday "front of house" workers are very young and change addresses frequently without leaving a forwarding address. In addition, given the high number of undeliverables, it is likely that many more Notices have failed to reach their intended target and instead arrived at the addresses of former roommates, friends, and family members.

9. In Angeion's experience, when we are provided with Social Security numbers prior to skip tracing, the return rate for locating new addresses increases approximately 35% from when we are not provided with Social Security Numbers.

10. On or about December 30, 2013, Angeion was instructed by Class Counsel to randomly select 200 names from the 11,389 undeliverable list. Angeion sent these 200 names to Defense Counsel. Defense Counsel returned Social Security Numbers to Angeion for the 200 names.

11. Out of the 200 names that were skip traced a second time after Defense Counsel provided Social Security Numbers, Angeion received 141 new addresses.

12. On or about January 24, 2014, Class Counsel informed Angeion that the Court had given permission for Angeion to perform a supplemental mailing directed towards any of the


11,389 undeliverables for which we were able to obtain new addresses after skip tracing all of the undeliverables. Angeion was able to secure 7,888 new addresses after skip tracing.

13. On January 30, 2014, Angeion remailed a Notice and Consent Form to the 7,888 updated addresses we received. These individuals were given twenty-one days from mailing to complete and submit a Consent Form if they wished to participate. Thus, the Notice was updated to reflect a return deadline of February 20, 2014.

14. As a result of the supplemental mailing Angeion received an additional 256 Consent Forms from these 7,888 remails.

15. Subsequent to the supplemental mailing and a postcard reminder mailing, (which Angeion did not perform), the total return rate for Consent Forms stands at 4,171 an opt-in rate of 5%.

Dated: September 15, 2014

By: 
Christopher M. Walsh, Esq.